

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENNETH WYNDER,

Plaintiff,

- against -

JAMES MCMAHON, et al.,

Defendants.

O R D E R
99 CV 772 (ILG)

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On May 4, 2009, the Court held a status conference in which the Court Ordered defendants to provide for in camera review, certain documents relating to an investigation conducted by Lou Barbaria and the New York State Police ("NYSP") into the actions of plaintiff Kenneth N. Wynder and other NYSP troopers who are not parties to this action. The Court received the documents from defendants for in camera review on June 5, 2009.

Having reviewed the documents in camera, the Court hereby finds that disclosure of these documents would reveal the identity of the informant and, thus, were properly withheld from production. As stated in the telephone conference held on July 1, 2009, the Court will give plaintiff an opportunity to revisit the issue of whether these documents should be produced after the deposition of Lou Barbaria is conducted.

Accordingly, the Court hereby Orders that the following documents in their entirety are protected by the law enforcement privilege and need not be produced by defendants: LB 0192-0198, 00464-465, 0474, 0477, 0934-0938, 0939-0964, 0970-0973, 0975-0982, 0988-1001, 1002, 1003, 1033-1056, 1057, 1058, 1059-1071, 1072, 1073-1092, 1122, 1125-1135, 1136-1152, 1154, 1155.

SO ORDERED.

Dated: Brooklyn, New York
July 1, 2009


Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York